

AMENDED IN ASSEMBLY APRIL 21, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1841**

---

**Introduced by Assembly Member Mullin**  
(Coauthor: Senator Hernandez)

February 18, 2014

---

An act to amend Section 2069 of the Business and Professions Code, relating to medicine.

LEGISLATIVE COUNSEL’S DIGEST

AB 1841, as amended, Mullin. Medical assistants.

Existing law, the Medical Practice Act, provides for the licensure and regulation of the practice of medicine by the Medical Board of California. The act authorizes a medical assistant to administer medication only by intradermal, subcutaneous, or intramuscular injections and to perform skin tests and additional technical supportive services upon the specific authorization and supervision of a licensed physician and surgeon, a licensed podiatrist, a physician assistant, a nurse practitioner, or a certified nurse-midwife. Existing law defines the term “technical supportive services” to mean simple routine medical tasks and procedures that may be safely performed by a medical assistant who has limited training and who functions under the supervision of a licensed physician and surgeon, a licensed podiatrist, a physician assistant, a nurse practitioner, or a certified nurse-midwife. Existing law, the Pharmacy Law, prohibits a prescriber, as defined, from dispensing drugs to patients in his or her office unless specified conditions are satisfied, and authorizes a certified nurse-midwife, a nurse practitioner, a physician assistant, or a naturopathic doctor who functions pursuant to a specified protocol or procedure to hand to a

patient of his or her supervising physician a properly labeled and prepackaged prescription drug.

This bill would specify that the “technical supportive services” a medical assistant may perform also includes handing to a patient a properly labeled and prepackaged prescription drug, other than a controlled substance, ordered by a licensed physician and surgeon, a licensed podiatrist, a physician assistant, a nurse practitioner, or a certified nurse-midwife, *as specified*.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2069 of the Business and Professions  
2 Code is amended to read:

3 2069. (a) (1) Notwithstanding any other law, a medical  
4 assistant may administer medication only by intradermal,  
5 subcutaneous, or intramuscular injections and perform skin tests  
6 and additional technical supportive services upon the specific  
7 authorization and supervision of a licensed physician and surgeon  
8 or a licensed podiatrist. A medical assistant may also perform all  
9 these tasks and services upon the specific authorization of a  
10 physician assistant, a nurse practitioner, or a certified  
11 nurse-midwife.

12 (2) The supervising physician and surgeon may, at his or her  
13 discretion, in consultation with the nurse practitioner, certified  
14 nurse-midwife, or physician assistant, provide written instructions  
15 to be followed by a medical assistant in the performance of tasks  
16 or supportive services. These written instructions may provide that  
17 the supervisory function for the medical assistant for these tasks  
18 or supportive services may be delegated to the nurse practitioner,  
19 certified nurse-midwife, or physician assistant within the  
20 standardized procedures or protocol, and that tasks may be  
21 performed when the supervising physician and surgeon is not  
22 onsite, if either of the following apply:

23 (A) The nurse practitioner or certified nurse-midwife is  
24 functioning pursuant to standardized procedures, as defined by  
25 Section 2725, or protocol. The standardized procedures or protocol,  
26 including instructions for specific authorizations, shall be

1 developed and approved by the supervising physician and surgeon  
2 and the nurse practitioner or certified nurse-midwife.

3 (B) The physician assistant is functioning pursuant to regulated  
4 services defined in Section 3502, including instructions for specific  
5 authorizations, and is approved to do so by the supervising  
6 physician and surgeon.

7 (b) As used in this section and Sections 2070 and 2071, the  
8 following definitions apply:

9 (1) "Medical assistant" means a person who may be unlicensed,  
10 who performs basic administrative, clerical, and technical  
11 supportive services in compliance with this section and Section  
12 2070 for a licensed physician and surgeon or a licensed podiatrist,  
13 or group thereof, for a medical or podiatry corporation, for a  
14 physician assistant, a nurse practitioner, or a certified  
15 nurse-midwife as provided in subdivision (a), or for a health care  
16 service plan, who is at least 18 years of age, and who has had at  
17 least the minimum amount of hours of appropriate training pursuant  
18 to standards established by the board. The medical assistant shall  
19 be issued a certificate by the training institution or instructor  
20 indicating satisfactory completion of the required training. A copy  
21 of the certificate shall be retained as a record by each employer of  
22 the medical assistant.

23 (2) "Specific authorization" means a specific written order  
24 prepared by the supervising physician and surgeon or the  
25 supervising podiatrist, or the physician assistant, the nurse  
26 practitioner, or the certified nurse-midwife as provided in  
27 subdivision (a), authorizing the procedures to be performed on a  
28 patient, which shall be placed in the patient's medical record, or  
29 a standing order prepared by the supervising physician and surgeon  
30 or the supervising podiatrist, or the physician assistant, the nurse  
31 practitioner, or the certified nurse-midwife as provided in  
32 subdivision (a), authorizing the procedures to be performed, the  
33 duration of which shall be consistent with accepted medical  
34 practice. A notation of the standing order shall be placed on the  
35 patient's medical record.

36 (3) "Supervision" means the supervision of procedures  
37 authorized by this section by the following practitioners, within  
38 the scope of their respective practices, who shall be physically  
39 present in the treatment facility during the performance of those  
40 procedures:

1 (A) A licensed physician and surgeon.

2 (B) A licensed podiatrist.

3 (C) A physician assistant, nurse practitioner, or certified  
4 nurse-midwife as provided in subdivision (a).

5 (4) (A) “Technical supportive services” means simple routine  
6 medical tasks and procedures that may be safely performed by a  
7 medical assistant who has limited training and who functions under  
8 the supervision of a licensed physician and surgeon or a licensed  
9 podiatrist, or a physician assistant, a nurse practitioner, or a  
10 certified nurse-midwife as provided in subdivision (a).

11 (B) Notwithstanding any other law, “technical supportive  
12 services” includes handing to a patient a properly labeled and  
13 prepackaged prescription drug, excluding a controlled substance,  
14 ordered by a licensed physician and surgeon, a licensed podiatrist,  
15 a physician assistant, a nurse practitioner, or a certified  
16 nurse-midwife ~~operative~~ in accordance with subdivision (a). *In*  
17 *every instance, prior to handing the medication to a patient, the*  
18 *properly labeled and prepackaged prescription drug shall have*  
19 *the patient’s name affixed to the package and a licensed physician*  
20 *and surgeon, a licensed podiatrist, a physician assistant, a nurse*  
21 *practitioner, or a certified nurse-midwife shall verify that it is the*  
22 *correct medication and dosage for that specific patient.*

23 (c) Nothing in this section shall be construed as authorizing any  
24 of the following:

25 (1) The licensure of medical assistants.

26 (2) The administration of local anesthetic agents by a medical  
27 assistant.

28 (3) The board to adopt any regulations that violate the  
29 prohibitions on diagnosis or treatment in Section 2052.

30 (4) A medical assistant to perform any clinical laboratory test  
31 or examination for which he or she is not authorized by Chapter  
32 3 (commencing with Section 1200).

33 (5) A nurse practitioner, certified nurse-midwife, or physician  
34 assistant to be a laboratory director of a clinical laboratory, as those  
35 terms are defined in paragraph (8) of subdivision (a) of Section  
36 1206 and subdivision (a) of Section 1209.

37 ~~(6) A medical assistant to dispense dangerous drugs or devices~~  
38 ~~to a patient, except as may be authorized by subdivision (a) or by~~  
39 ~~the board in regulations adopted pursuant to Section 2071.~~

1 (d) A nurse practitioner, certified nurse-midwife, or physician  
2 assistant shall not authorize a medical assistant to perform any  
3 clinical laboratory test or examination for which the medical  
4 assistant is not authorized by Chapter 3 (commencing with Section  
5 1200). A violation of this subdivision constitutes unprofessional  
6 conduct.

7 (e) Notwithstanding any other law, a medical assistant shall not  
8 be employed for inpatient care in a licensed general acute care  
9 hospital, as defined in subdivision (a) of Section 1250 of the Health  
10 and Safety Code.

O